

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-22 are pending in the application, with claims 1, and 20-22 being independent. Claims 21-22 have been added by this amendment, which do not add any new subject matter.

Specification

The Examiner objected to the specification because of a few minor informalities. Applicants have amended the specification in an effort to correct these and additional minor informalities. These amendments do not add any new subject matter. Accordingly, withdrawal of the objection is respectfully requested.

Double Patenting

The Examiner rejected claims 1-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,621,497. This rejection is respectfully traversed.

Applicants submit herewith a terminal disclaimer. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

Claim Objections

The Examiner objected to claims 1, 3, 4, 6, and 7 because of minor informalities. Applicants have amended the claims in an effort to correct each of these informalities. Accordingly, withdrawal of the objection is respectfully requested.

Claim Rejections under 35 U.S.C. §112

The Examiner rejected claims 1 and 20 under 35 U.S.C. §112, stating that the phrase "at least" renders the claim indefinite. This rejection is respectfully traversed.

Applicants have amended claims 1 and 20, removing the phrase "at least." Applicants also respectfully submit that this amendment does not narrow the scope of the claims and has not been made to overcome any prior art.

Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claims 1, 2, 5, 8-11, 12, 15-16, and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Kagawa (US 5,588,050) in view of Stewart (US 5,283,671). This rejection is respectfully traversed insofar as it pertains to the presently pending claims.

Applicants have amended independent claims 1 and 20 in an effort to clarify that the second comparison result data is "substantially effective for only one inter-hue region between adjacent hues of red, green, blue, cyan, magenta, and yellow."

Referring to, for example, Fig. 9a-f of the present application, it can be clearly seen that these inter-hue regions are between adjacent hues of red, green, blue, cyan, magenta, and yellow. Thus, this feature is not new subject matter.

In addition thereto, Applicants respectfully submit that the cited art fails to teach the combination of elements including that the second comparison result data is substantially effective for only one inter-hue region between adjacent hues of red, green, blue, cyan, magenta, and yellow, as recited in claims 1 and 20 and as recited in new claims 21-22. Therefore, a *prima facie* case of obviousness cannot be substantiated.

To establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion of motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference must teach or suggest all the claim limitations, see *In re Vaeck*, 947 F.2d 48, 20 USPQ2d 1438 (Fed.Cir.1991).

Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

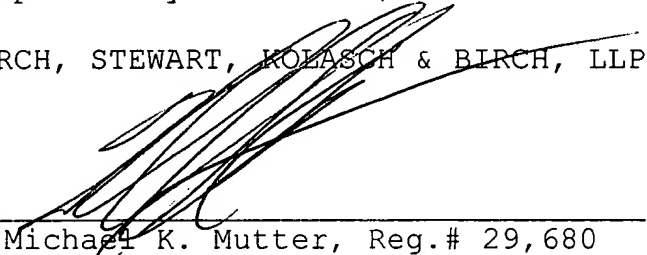
In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin Geissler (Reg. 51,011) at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Terminal Disclaimer